

**BEFORE THE MERIT EMPLOYEE RELATIONS BOARD  
OF THE STATE OF DELAWARE**

**THOMAS V. MAY**

Grievant

v.

**DEPARTMENT OF HEALTH &**

**SOCIAL SERVICES**

**STATE OF DELAWARE, Agency**

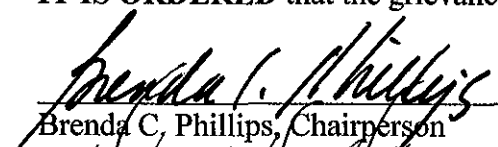
**DOCKET NO. 03-01-285**

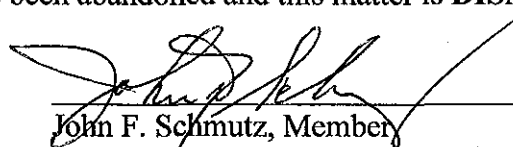
**ORDER OF DISMISSAL**

**BEFORE** Brenda C. Phillips, Chairperson, John F. Schmutz, John W. Pitts, Paul Houck and Dallas Green, Members, constituting a quorum of the Merit Employee Relations Board pursuant to 29 Del. C. Section 5908(a).

**AND NOW**, this 4th day of November, 2004, it appears to the Board that the Grievant, Thomas V. May, by virtue of the fact that he has never responded to repeated efforts by the MERB to have him contact the office to schedule a date for his hearing, appears to have abandoned the appeal process. It is further noted that the Department of Health & Social Services, through their representative, Deputy Attorney General Ilona Kirshon, does not have an objection to this appeal being dismissed.

**IT IS ORDERED** that the grievance has been abandoned and this matter is **DISMISSED**.

  
Brenda C. Phillips, Chairperson

  
John F. Schmutz, Member

  
Dallas Green, Member

  
John W. Pitts, Member

\_\_\_\_\_  
Paul C. Houck, Member

Original: File  
Copies: Grievant  
Agency  
Agency's Representative  
State Personnel Office (3 copies)

DATE MAILED 12/6/04

COPY

**Turner Jean (DAS)**

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From: Turner Jean (DAS)  
Sent: Friday, October 15, 2004 1:10 PM  
To: May Thom (DHSS)  
Cc: Tischer Michael (DOJ)  
Subject: MERB Grievance 03-01-285

Dear Mr. May:

In reviewing some inactive files it was noticed that no answer was ever received from you in response to two letters sent to you last January. The second letter, dated Jan. 29<sup>th</sup>, said that if no response was received, I would recommend to the Board that your appeal be dismissed because of abandonment. This is action that I would prefer not to take. If you do not wish to pursue this appeal it would be better if you would send me a response to this e-mail saying so and then I could have the appeal dismissed because you've withdrawn it, not "abandoned" it. Won't you take a minute or two right now and send me your answer. Your cooperation would be very much appreciated.

Jean Lee Turner

Mon. 10/18/04  
Still no response from Mr. May. J

Fri. 10/22/04  
Still no response from Mr. May. J

BRENDA C. PHILLIPS, CHAIRPERSON  
PAUL R. HOUCK, BOARD MEMBER  
DALLAS GREEN, BOARD MEMBER  
JOHN W. PITTS, BOARD MEMBER  
JOHN F. SCHMUTZ, BOARD MEMBER

PHONE: (302) 739-6772  
FAX: (302) 739-6774



STATE OF DELAWARE  
MERIT EMPLOYEE RELATIONS BOARD  
MARGARET M. O'NEILL BUILDING, 2<sup>ND</sup> FLOOR  
410 FEDERAL STREET, SUITE 4  
DOVER, DELAWARE 19901

January 29, 2004

Mr. Thomas V. May  
527 McGinnis Pond Road  
Felton, DE 19943

Re: Thomas V. May v. DHSS  
Docket No. 03-01-285

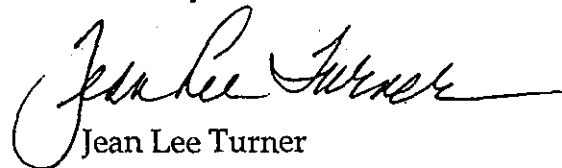
Dear Mr. May:

I wrote to you approximately two weeks ago, asking you to call me so that we could schedule a hearing date before the Board for the docket number listed above. To date, I have not heard from you, either by regular mail, e-mail or telephone. Further, the letter has not been returned to me as undeliverable. Please call me upon receipt of this letter so that we can get your appeal on the Board's schedule. If I don't hear from you by February 14, 2004 I will recommend to the Board that they dismiss your appeal as abandoned.

If your grievance has been settled in these intervening months or, if you've decided you no longer wish to pursue this appeal, please send me an e-mail or notify me in writing of your intention to withdraw.

If you have any questions, please do not hesitate to call me.

Sincerely,

  
Jean Lee Turner  
Administrative Assistant

jlt

cc: Ilona Kirshon, Deputy Attorney General, Counsel  
Michael M. Tischer, Deputy Attorney General, MERB Counsel

BRENDA C. PHILLIPS, CHAIRPERSON  
PAUL R. HOUCK, BOARD MEMBER  
DALLAS GREEN, BOARD MEMBER  
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January 15, 2004

Mr. Thomas V. May  
527 McGinnis Pond Road  
Felton, DE 19943

Re: Thomas V. May v. DHSS  
Docket No. 03-01-285

Dear Mr. May:

Since you filed the above-referenced grievance in January of 2003, the MERB has been very busy handling termination and other disciplinary matters which, in matters of scheduling, take precedence over other types of appeals.

I apologize that it has taken so long to contact you about setting a hearing date for your grievance. Would you please call me at 739-6772 so that we could set a date for the Board to hear your appeal. I have open dates in February and March.

If your grievance has been settled in these intervening months or, if you've decided you no longer wish to pursue this appeal, please send me an e-mail or notify me in writing of your intention to withdraw. I hope to hear from you early next week.

If you have any questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script that reads "Jean Lee Turner".

Jean Lee Turner  
Administrative Assistant

jlt

cc: Ilona Kirshon, Deputy Attorney General, Counsel  
Michael M. Tischer, Deputy Attorney General, MERB Counsel